

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

CHONLADA JINATONGTHAI
1961 Valinda Way
Vista, CA 92084

Registered Nurse No. 427386

Respondent.

Case No. 2007-313

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on MAY 15, 2008.

It is so ORDERED April 15, 2008.

LaTranene H Tate

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR., Attorney General
of the State of California

2 JAMES M. LEDAKIS

Supervising Deputy Attorney General

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9
10 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2007-313

13 CHONLADA JINATONGTHAI

1961 Valinda Way

14 Vista, CA 92084

OAH No. L-2007080092

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

15 Registered Nurse License No. 427386

16 Respondent.

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18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
19 above-entitled proceedings that the following matters are true:

20 PARTIES

21 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
22 the Board of Registered Nursing. She brought this action solely in her official capacity and is
23 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
24 by Rita M. Lane, Deputy Attorney General.

25 2. Respondent Chonlada Jinatongthai is representing herself in this
26 proceeding and has chosen not to exercise her right to be represented by counsel.

27 3. On or about January 1, 1988, the Board of Registered Nursing issued
28 Registered Nurse License No. 427386 to Chonlada Jinatongthai (Respondent). The license was

1 in full force and effect at all times relevant to the charges brought in Accusation No. 2007-313
2 and will expire on September 30, 2009, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2007-313 was filed before the Board of Registered
5 Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent.
6 The Accusation and all other statutorily required documents were properly served on Respondent
7 on July 3, 2007. Respondent timely filed her Notice of Defense contesting the Accusation. A
8 copy of Accusation No. 2007-313 is attached as Exhibit A and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, and understands the charges and allegations
11 in Accusation No. 2007-313. Respondent has also carefully read, and understands the effects of
12 this Stipulated Settlement and Disciplinary Order.

13 6. Respondent is fully aware of her legal rights in this matter, including the
14 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
15 counsel at her own expense; the right to confront and cross-examine the witnesses against her;
16 the right to present evidence and to testify on her own behalf; the right to the issuance of
17 subpoenas to compel the attendance of witnesses and the production of documents; the right to
18 reconsideration and court review of an adverse decision; and all other rights accorded by the
19 California Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
21 each and every right set forth above.

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in
24 Accusation No. 2007-313.

25 9. Respondent agrees that her Registered Nurse License is subject to
26 discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the
27 Disciplinary Order below.

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1 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
2 compliance with this condition, Respondent shall submit completed fingerprint forms and
3 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
4 as part of the licensure application process.

5 **Criminal Court Orders:** If Respondent is under criminal court orders, including
6 probation or parole, and the order is violated, this shall be deemed a violation of these probation
7 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

8 2. **Comply with the Board's Probation Program.** Respondent shall fully
9 comply with the conditions of the Probation Program established by the Board and cooperate
10 with representatives of the Board in its monitoring and investigation of the Respondent's
11 compliance with the Board's Probation Program. Respondent shall inform the Board in writing
12 within no more than 15 days of any address change and shall at all times maintain an active,
13 current license status with the Board, including during any period of suspension.

14 Upon successful completion of probation, Respondent's license shall be fully
15 restored.

16 3. **Report in Person.** Respondent, during the period of probation, shall
17 appear in person at interviews/meetings as directed by the Board or its designated
18 representatives.

19 4. **Residency, Practice, or Licensure Outside of State.** Periods of
20 residency or practice as a registered nurse outside of California shall not apply toward a reduction
21 of this probation time period. Respondent's probation is tolled, if and when she resides outside
22 of California. Respondent must provide written notice to the Board within 15 days of any change
23 of residency or practice outside the state, and within 30 days prior to re-establishing residency or
24 returning to practice in this state.

25 Respondent shall provide a list of all states and territories where she has ever been
26 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
27 provide information regarding the status of each license and any changes in such license status

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1 during the term of probation. Respondent shall inform the Board if she applies for or obtains a
2 new nursing license during the term of probation.

3 **5. Submit Written Reports.** Respondent, during the period of probation,
4 shall submit or cause to be submitted such written reports/declarations and verification of actions
5 under penalty of perjury, as required by the Board. These reports/declarations shall contain
6 statements relative to Respondent's compliance with all the conditions of the Board's Probation
7 Program. Respondent shall immediately execute all release of information forms as may be
8 required by the Board or its representatives.

9 Respondent shall provide a copy of this Decision to the nursing regulatory agency
10 in every state and territory in which she has a registered nurse license.

11 **6. Function as a Registered Nurse.** Respondent, during the period of
12 probation, shall engage in the practice of registered nursing in California for a minimum of 24
13 hours per week for 6 consecutive months or as determined by the Board.

14 For purposes of compliance with the section, "engage in the practice of registered
15 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
16 work in any non-direct patient care position that requires licensure as a registered nurse.

17 The Board may require that advanced practice nurses engage in advanced practice
18 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
19 Board.

20 If Respondent has not complied with this condition during the probationary term,
21 and Respondent has presented sufficient documentation of her good faith efforts to comply with
22 this condition, and if no other conditions have been violated, the Board, in its discretion, may
23 grant an extension of Respondent's probation period up to one year without further hearing in
24 order to comply with this condition. During the one year extension, all original conditions of
25 probation shall apply.

26 **7. Employment Approval and Reporting Requirements.** Respondent
27 shall obtain prior approval from the Board before commencing or continuing any employment,
28 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all

1 performance evaluations and other employment related reports as a registered nurse upon request
2 of the Board.

3 Respondent shall provide a copy of this Decision to her employer and immediate
4 supervisors prior to commencement of any nursing or other health care related employment.

5 In addition to the above, Respondent shall notify the Board in writing within
6 seventy-two (72) hours after she obtains any nursing or other health care related employment.

7 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
8 terminated or separated, regardless of cause, from any nursing, or other health care related
9 employment with a full explanation of the circumstances surrounding the termination or
10 separation.

11 **8. Supervision.** Respondent shall obtain prior approval from the Board
12 regarding Respondent's level of supervision and/or collaboration before commencing or
13 continuing any employment as a registered nurse, or education and training that includes patient
14 care.

15 Respondent shall practice only under the direct supervision of a registered nurse
16 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
17 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
18 are approved.

19 Respondent's level of supervision and/or collaboration may include, but is not
20 limited to the following:

21 (a) Maximum - The individual providing supervision and/or collaboration is
22 present in the patient care area or in any other work setting at all times.

23 (b) Moderate - The individual providing supervision and/or collaboration is in
24 the patient care unit or in any other work setting at least half the hours Respondent works.

25 (c) Minimum - The individual providing supervision and/or collaboration has
26 person-to-person communication with Respondent at least twice during each shift worked.

27 (d) Home Health Care - If Respondent is approved to work in the home health
28 care setting, the individual providing supervision and/or collaboration shall have person-to-

1 person communication with Respondent as required by the Board each work day. Respondent
2 shall maintain telephone or other telecommunication contact with the individual providing
3 supervision and/or collaboration as required by the Board during each work day. The individual
4 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
5 site visits to patients' homes visited by Respondent with or without Respondent present.

6 **9. Employment Limitations.** Respondent shall not work for a nurse's
7 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
8 traveling nurse, or for an in-house nursing pool.

9 Respondent shall not work for a licensed home health agency as a visiting nurse
10 unless the registered nursing supervision and other protections for home visits have been
11 approved by the Board. Respondent shall not work in any other registered nursing occupation
12 where home visits are required.

13 Respondent shall not work in any health care setting as a supervisor of registered
14 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
15 nurses and/or unlicensed assistive personnel on a case-by-case basis.

16 Respondent shall not work as a faculty member in an approved school of nursing
17 or as an instructor in a Board approved continuing education program.

18 Respondent shall work only on a regularly assigned, identified and predetermined
19 worksite(s) and shall not work in a float capacity.

20 If Respondent is working or intends to work in excess of 40 hours per week, the
21 Board may request documentation to determine whether there should be restrictions on the hours
22 of work.

23 **10. Complete a Nursing Course(s).** Respondent, at her own expense, shall
24 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
25 than six months prior to the end of her probationary term.

26 Respondent shall obtain prior approval from the Board before enrolling in the
27 course(s). Respondent shall submit to the Board the original transcripts or certificates of

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1 completion for the above required course(s). The Board shall return the original documents to
2 Respondent after photocopying them for its records.

3 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with
4 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
5 reduced amount of \$5,000.00. Respondent shall be permitted to pay these costs in a payment
6 plan approved by the Board, with payments to be completed no later than three months prior to
7 the end of the probation term.

8 If Respondent has not complied with this condition during the probationary term,
9 and Respondent has presented sufficient documentation of her good faith efforts to comply with
10 this condition, and if no other conditions have been violated, the Board, in its discretion, may
11 grant an extension of Respondent's probation period up to one year without further hearing in
12 order to comply with this condition. During the one year extension, all original conditions of
13 probation will apply.

14 12. **Violation of Probation.** If Respondent violates the conditions of her
15 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
16 aside the stay order and impose the stayed discipline (revocation) of Respondent's license.

17 If during the period of probation, an accusation or petition to revoke probation has
18 been filed against Respondent's license or the Attorney General's Office has been requested to
19 prepare an accusation or petition to revoke probation against Respondent's license, the
20 probationary period shall automatically be extended and shall not expire until the accusation or
21 petition has been acted upon by the Board.

22 13. **License Surrender.** During Respondent's term of probation, if she ceases
23 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
24 probation, Respondent may surrender her license to the Board. The Board reserves the right to
25 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
26 take any other action deemed appropriate and reasonable under the circumstances, without
27 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
28 will no longer be subject to the conditions of probation.

1 Surrender of Respondent's license shall be considered a disciplinary action and
2 shall become a part of Respondent's license history with the Board. A registered nurse whose
3 license has been surrendered may petition the Board for reinstatement no sooner than the
4 following minimum periods from the effective date of the disciplinary decision:

5 (1) Two years for reinstatement of a license that was surrendered for any
6 reason other than a mental or physical illness; or

7 (2) One year for a license surrendered for a mental or physical illness.

8 ACCEPTANCE

9 I have carefully read the above Stipulated Settlement and Disciplinary Order. I
10 understand the stipulation and the effect it will have on my Registered Nurse License. I enter
11 into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,
12 and agree to be bound by the Decision and Order of the Board of Registered Nursing.

13 DATED: 12-12-07.

14
15 C. Jinatongthai
16 CHONLADA JINATONGTHAI
Respondent

17 ENDORSEMENT

18 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
19 submitted for consideration by the Board of Registered Nursing of the Department of Consumer
20 Affairs.

21 DATED: 1-23-08

22 EDMUND G. BROWN JR., Attorney General
of the State of California

23 JAMES M. LEDAKIS
Supervising Deputy Attorney General

24
25 Rita M. Lane
26 RITA M. LANE
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 2007-313

1 EDMUND G. BROWN, JR., Attorney General
of the State of California

2 MARGARET A. LAFKO

Supervising Deputy Attorney General

3 RITA M. LANE, State Bar No. 171352

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4 California Department of Justice

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8 Attorneys for Complainant

10 **BEFORE THE**
11 **BOARD OF REGISTERED NURSING**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

Case No. 2007-313

14 CHONLADA JINATONGTHAI

1961 Valinda Way

15 Vista, CA 92084

A C C U S A T I O N

16 Registered Nurse License No. 427386

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
22 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
23 Department of Consumer Affairs (Board).

24 2. On or about July 21, 1988, the Board issued Registered Nurse License
25 Number 426788 to Chonlada Jinatongthai (Respondent). The license will expire on September
26 30, 2007, unless renewed.

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FACTS

10. On July 20, 2000, at approximately 7:45 a.m., patient N.P., a 38 year old female, was admitted to the Labor and Delivery Unit of Tri-City Medical Center in Oceanside, California for an elective induction of labor after an intrauterine fetal demise.

11. At approximately 8:30 a.m., patient N.P. was seen by her primary physician who rotated the baby from an oblique to a vertex lie and began the induction of labor with Cytotec 50 mcg.

12. At approximately 1:20 p.m., contraction monitoring was begun and showed contractions every 1 to 1 ½ minutes. Pitocin was started about an hour later and at 3:15 p.m., patient N.P. received an epidural which, according to the attending anesthesiologist, gave patient N.P. adequate pain relief.

13. At approximately 7:00 p.m., Respondent came on duty at Tri-City Medical Center and assumed the primary nursing care of patient N.P.

14. At approximately 10:23 p.m., patient N.P.'s blood pressure dropped significantly below it's previous baseline and her pulse elevated significantly above its previous baseline. At approximately 10:23 p.m., Respondent charted that the patient had become uncomfortable and restless. Respondent failed to notify either the charge nurse or the physician of the change in patient N.P.'s condition.

15. At approximately 10:38 p.m., Respondent instructed patient N.P. to start pushing. With the onset of pushing, patient N.P. experienced significant pain. Respondent charted that patient N.P. was unresponsive.

16. At approximately 10:40 p.m., Respondent contacted her charge nurse and a physician regarding the change in patient N.P.'s condition.

17. At approximately 11:02 p.m., a vacuum-assisted vaginal delivery was performed and patient N.P. delivered a stillborn female infant. During the delivery patient N.P. was unresponsive. Immediately following delivery of the infant, it was discovered that patient N.P. had suffered an extensive uterine rupture and at approximately 11:04 p.m., she was rushed to the operating room to undergo emergency surgery.

1 18. During surgery, medical personnel were unable to resuscitate patient N.P.
2 and she died.

3 FIRST CAUSE FOR DISCIPLINE

4 (Unprofessional Conduct-Negligence)

5 19. Respondent is subject to disciplinary action pursuant to Code section
6 2761, subdivision (a), on the grounds of unprofessional conduct in carrying out licensed nursing
7 functions. On or about July 20, 2000, while on duty as a licensed registered nurse in the Labor
8 and Delivery Unit at Tri-City Medical Center, Respondent was negligent in the care of patient
9 N.P. as follows:

10 a. Respondent was negligent in her assessment of patient N.P.'s condition as
11 follows:

12 1. Respondent failed to adequately assess blood pressures for
13 patient N.P. The hospital's Pitocin protocol calls for blood pressures
14 every 30 minutes as well as continuous observation of the patient.

15 Respondent took patient N.P.'s blood pressure at irregular intervals at
16 8:00 p.m., 8:20 p.m., 9:10 p.m., 9:50 p.m. and 10:23 p.m.

17 2. Respondent failed to take into account and compensate for
18 the fact that the blood pressure monitor she was using was not "state of the
19 art" and did not alarm when pre set parameters were exceeded.

20 3. Respondent set the blood pressure monitor machine to
21 monitor pressures automatically at pre set intervals; so the critical blood
22 pressure of 63/39 and the critical pulse rate of 146 were recorded at 10:23
23 p.m. Because no nurse was present in the patient's room to read the
24 monitor, no action was taken until approximately 15 minutes later at
25 10:38 p.m.

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1 b. Respondent was negligent when she failed to recognize the signs and
2 symptoms of hypovolemic shock as follows:

3 1. Respondent noted but did not appear to have been alarmed
4 by or taken action in response to patient N.P.'s "restlessness" and
5 discomfort; and, in fact, she instructed the patient to push at 10:38 p.m.
6 when she was non-responsive.

7 2. Respondent failed to manually verify patient N.P.'s rapid
8 pulse rate, a procedure that would require only a few seconds, and then
9 failed to act on the result of that finding.

10 c. Respondent was negligent when she failed to assess and to challenge
11 physician orders not in her "client's best interest" as follows:

12 1. Respondent was negligent for not questioning why a high
13 dose of IV narcotic (Demerol 50 mg/Phenergan 25 mg) was ordered and
14 given to patient N.P. at 9:10 p.m., 45 minutes after she received an
15 epidural bolus. The cumulative effect of these drugs would be enough to
16 disorient the patient, exacerbate her nausea, and mask any symptoms of
17 uterine rupture.

18 2. The monitor strips for patient N.P. indicate uterine
19 hyperstimulation. Respondent was negligent when she failed to question
20 the use of Pitocin after contractions were already occurring every 1-2
21 minutes.

22 3. Respondent was negligent for not questioning why
23 internal monitoring was not ordered if labor was not progressing
24 despite evident and adequate contractions.

25 4. Respondent was negligent for not questioning why
26 Pitocin was not discontinued at the first sign of a problem, at
27 10:23 p.m., rather than 19 minutes later at 10:42 p.m.

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1 d. Respondent was negligent when she failed to recognize a deterioration in
2 patient N.P.'s condition and contact a physician in a timely manner as set forth in paragraphs 14
3 and 15 above, which are incorporated herein by reference.

4 **AGGRAVATING FACTORS**

5 20. Patient N.P.'s uterus ruptured during labor and she died.

6 **PRAYER**


7 WHEREFORE, Complainant requests that a hearing be held on the matters herein
8 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

9 1. Revoking or suspending Registered Nurse License Number 427386, issued
10 to Chonlada Jinatongthai;

11 2. Ordering Chonlada Jinatongthai to pay the Board of Registered Nursing
12 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
13 Professions Code section 125.3; and

14 3. Taking such other and further action as deemed necessary and proper.

15 DATED: 4/25/07

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17 
18 RUTH ANN TERRY, M.P.H., R.N.
19 Board of Registered Nursing
20 Department of Consumer Affairs
21 State of California
22 Complainant

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